

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

60741

FILE: B-185700

DATE: April 9, 1976

MATTER OF: Deere Electric Company

99081

## DIGEST:

Protest against award of contract filed more than 10 days after notice of adverse agency action is untimely and will not be considered.

Deere Electric Company (Deere) has protested the award of the contract for repair of lighting fixtures under solicitation No. F23608-76-09005, a total small business set-aside, issued by Richard Gebaur Air Force Base, Grandview, Missouri. The issue to be decided in this case is whether Deere's protest was timely filed.

Bids were opened on September 29, 1975. By letters dated October 22, 1975, the issuing activity requested all bidders to extend their 60-day bid acceptance period. On December 10, 1975, award was made to ICG Electric, Inc. In this connection, the Air Force report received by us on March 20, 1976, states that by letters of December 11, 1975, the bidders were informed that award had been made. Deere has acknowledged that it learned of the award by telephone conversation of December 15, 1975, with the issuing activity. By mailgram dated January 12, 1976, Deere protested the award alleging that the low bidder was not a small business and that its second low bid was improperly rejected.

Since award was made to the third low bidder, Deere's first contention is moot. Regarding Deere's contention that its bid should have been considered for award, we note that Deere's protest was received in this Office on January 13, 1976, 17 working days after it learned of award to a higher bidder.

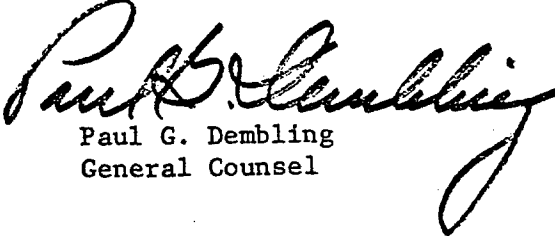
Section 20.2 of our Bid Protest Procedures states in pertinent part that:

"(2) \* \* \* bid protests shall be filed not later than 10 days after the basis for protest is known \* \* \*."

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"(3) \* \* \* any protest received in the General Accounting Office after the time limits prescribed in this section shall not be considered.\* \* \*."

Since Deere's protest was not timely filed, it is dismissed.

  
Paul G. Dembling  
General Counsel